

ASSEMBLY BILL

No. 2937

Introduced by Assembly Member Pavley

February 24, 2006

An act to amend Section 60851 of the Education Code, relating to pupils, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2937, as introduced, Pavley. Pupils: California High School Exit Examination.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would require the high school exit examination to be offered to any pupil in grade 10, 11, or 12 in June, July, and August of 2006, with not less than one of those dates on a Saturday. Because this requirement would impose additional duties on school districts, the bill would establish a state-mandated local program.

The bill would require that the results of a high school exit examination taken by a pupil who is in grade 12 during calendar year 2006 or 2007 be provided to that pupil not later than 14 business days after the date of the examination. Because this requirement would impose additional duties on school districts, the bill would establish a state-mandated local program.

The bill would require the State Department of Education to conduct a study to determine which of the California Standards Tests developed a specified provision of existing law, or which combination of those tests, is equivalent to the English and language arts portion or the mathematics portion of the high school exit examination, and the performance level on the test or tests that is equivalent to a passing score on the pertinent portion of the high school exit examination, and to report its findings to each school district.

The bill would require that a pupil who takes a California Standards Test, or combination of those tests, determined by the department to be equivalent to the English and language arts portion of the high school exit examination, and scores at a performance level determined by the department to be equivalent to a passing score on that portion of the high school exit examination, be deemed to have passed that portion of the high school exit examination.

The bill would require that a pupil who takes a California Standards Test, or combination of those tests, determined by the department to be equivalent to the mathematics portion of the high school exit examination, and scores at a performance level determined by the department to be equivalent to a passing score on that portion of the high school exit examination, be deemed to have passed that portion of the high school exit examination.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60851 of the Education Code is
2 amended to read:

1 60851. (a) ~~Commencing with the 2003-04 school year and~~
2 ~~each school year thereafter, each~~ *Each* pupil completing grade 12
3 shall successfully pass the high school exit examination as a
4 condition of receiving a diploma of graduation or a condition of
5 graduation from high school. Funding for the administration of
6 the high school exit examination shall be provided for in the
7 annual Budget Act. The Superintendent shall apportion funds
8 appropriated for this purpose to enable school districts to meet
9 the requirements of this subdivision and subdivisions (b), (c), and
10 (d). The state board shall establish the amount of funding to be
11 apportioned per test administered, based on a review of the cost
12 per test.

13 (b) Each pupil shall take the high school exit examination in
14 grade 10 ~~beginning in the 2001-02 school year~~ and may take the
15 examination during each subsequent administration, until each
16 section of the examination has been passed.

17 (c) (1) At the parent or guardian's request, a school principal
18 shall submit a request for a waiver of the requirement to
19 successfully pass the high school exit examination to the
20 governing board of the school district for a pupil with a disability
21 who has taken the high school exit examination with
22 modifications that alter what the test measures and has received
23 the equivalent of a passing score on one or both subject matter
24 parts of the high school exit examination. A governing board of a
25 school district may waive the requirement to successfully pass
26 one or both subject matter parts of the high school exit
27 examination for a pupil with a disability if the principal certifies
28 to the governing board of the school district that the pupil has all
29 of the following:

30 (A) An individualized education program adopted pursuant to
31 the federal Individuals with Disabilities Education Act (20
32 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section
33 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794
34 (a)) in place that requires the accommodations or modifications
35 to be provided to the pupil when taking the high school exit
36 examination.

37 (B) Sufficient high school level coursework either
38 satisfactorily completed or in progress in a high school level
39 curriculum sufficient to have attained the skills and knowledge
40 otherwise needed to pass the high school exit examination.

1 (C) An individual score report for the pupil showing that the
2 pupil has received the equivalent of a passing score on the high
3 school exit examination while using a modification that
4 fundamentally alters what the high school exit examination
5 measures as determined by the state board.

6 (2) A school district shall report to the state board, in a manner
7 and by a date determined by the Superintendent, the number and
8 characteristics of waivers reviewed, granted, and denied under
9 this subdivision and any additional information determined to be
10 in furtherance of this subdivision.

11 (d) (1) The high school exit examination shall be offered in
12 each public school and state special school that provides
13 instruction in grades 10, 11, or 12, on the dates designated by the
14 Superintendent. ~~An~~ *Except as required under paragraph (2), an*
15 *exit examination may not be administered on any date other than*
16 *those designated by the Superintendent as examination days or*
17 *makeup days.*

18 (2) *The high school exit examination shall be offered to any*
19 *pupil in grade 10, 11, or 12 in June, July, and August of 2006.*
20 *Not less than one of the dates on which the examination is*
21 *offered under this paragraph shall be a Saturday.*

22 (e) (1) The results of the high school exit examination shall be
23 provided to each pupil taking the examination within eight weeks
24 of the examination administration and in time for the pupil to
25 take any section of the examination not passed at the next
26 administration. A pupil shall take again only those parts of the
27 examination he or she has not previously passed and may not
28 retake any portion of the exit examination that he or she has
29 previously passed.

30 (2) *Notwithstanding paragraph (1), the results of a high*
31 *school exit examination taken by a pupil who is in grade 12*
32 *during calendar year 2006 or 2007 shall be provided to that*
33 *pupil not later than 14 business days after the date of the*
34 *examination.*

35 (f) Supplemental instruction shall be provided to any pupil
36 who does not demonstrate sufficient progress toward passing the
37 high school exit examination. To the extent that school districts
38 have aligned their curriculum with the state academic content
39 standards adopted by the state board, the curriculum for
40 supplemental instruction shall reflect those standards and shall be

designed to assist the pupils to succeed on the high school exit examination. This chapter does not require the provision of supplemental services using resources that are not regularly available to a school or school district, including summer school instruction provided pursuant to Section 37252. In no event shall any action taken as a result of this subdivision cause or require reimbursement by the Commission on State Mandates. Sufficient progress shall be determined on the basis of either of the following:

(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the state board pursuant to Section 60648.

(2) The grades of the pupil and other indicators of academic achievement designated by the school district.

(g) (1) The department shall conduct a study to determine which of the California Standards Tests developed under Section 60642.5, or which combination of those tests, is equivalent to the English and language arts portion or the mathematics portion of the high school exit examination, and the performance level on the test or tests that is equivalent to a passing score on the pertinent portion of the high school exit examination, and shall report its findings to each school district.

(2) A pupil who takes a California Standards Test, or combination of those tests, determined by the department under paragraph (1) to be equivalent to the English and language arts portion of the high school exit examination, and scores at a performance level determined by the department to be equivalent to a passing score on that portion of the high school exit examination, shall be deemed to have passed that portion of the high school exit examination.

(3) A pupil who takes a California Standards Test, or combination of those tests, determined by the department under paragraph (1) to be equivalent to the mathematics portion of the high school exit examination, and scores at a performance level determined by the department to be equivalent to a passing score on that portion of the high school exit examination, shall be deemed to have passed that portion of the high school exit examination.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

6 SEC. 3. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to ensure at the earliest possible time that pupils
11 scheduled to graduate from high school in 2006 and 2007 have
12 sufficient opportunities to take and pass the California High
13 School Exit Examination, it is necessary that this act take effect
14 immediately.